

SAMPLE

- ☐ 720 ILCS 5/12-3.2 - Domestic Battery, or
- ☐ 720 ILCS 5/12-15 - Criminal Sexual Abuse;

and it has been FIVE years since the successful discharge and dismissal from court supervision; OR

- ☐ The Defendant/Petitioner was released without conviction following a sentence of court supervision for an offense which is not set forth above, and it has been TWO years since the successful discharge and dismissal from court supervision; OR

4. ☐ The Defendant/Petitioner was released without conviction following a sentence of probation under:

- ☐ 720 ILCS 550/10 - Section 10 of the Cannabis Control Act, or
- ☐ 720 ILCS 570/410 - Section 410 of the Illinois Controlled Substances Act, or
- ☐ 720 ILCS 5/12-4.3 (if charged before January 1, 1996) - Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (Aggravated Battery of a Child, as those provisions existed before their deletion by Public Act 89-313), or
- ☐ 20 ILCS 301/40-10 - Section 40-10 of the Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, or
- ☐ 20 ILCS 301/10-102 - Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (as those provisions existed before their deletion by Public Act 88-80) when the judgment of conviction has been vacated, or
- ☐ Section 10 of the Steroid Control Act (repealed), or
- ☐ 720 ILCS 646/70 - Section 70 of the Methamphetamine Control and Community Protection Act;

and it has been FIVE years since the successful termination of probation.

5. If the Defendant/Petitioner is seeking to expunge felony records listed in paragraph 4 of this Petition, he/she has attached results of a drug test taken within the 30 days previous to the filing of this Petition showing the absence within Defendant/Petitioner's body of any illegal substances as defined by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act and the Cannabis Control Act.
6. In the case sought to be expunged, the Defendant/Petitioner was not granted court supervision for (1) driving under the influence; (2) reckless driving; or (3) any sexual offense committed against a minor under 18 years of age.
7. The Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.
8. There are no criminal charges currently pending against the Defendant/Petitioner in any jurisdiction.

WHEREFORE, the Defendant/Petitioner prays that his/her record of arrest be expunged as allowed by law.

DATED: _____, _____

Defendant/Petitioner

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VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, as to such matters the undersigned certifies as aforesaid he/she verily believes the same to be true.

Date

Defendant/Petitioner

Subscribed and sworn to before me this _____ day of _____, 20____.



Notary/Clerk

Prepared by:

Name_____

Address_____

City/State/Zip_____

Atty No._____

Attorney for _____

Telephone_____

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IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

[] THE PEOPLE OF THE STATE OF ILLINOIS)

or)

[] A MUNICIPAL CORPORATION,)

vs.)

CASE NO. _____

Defendant/Petitioner.)

ORDER TO EXPUNGE

Charge: _____ Date of Arrest: _____

Arresting Authority: _____

ID #: _____ Date of Birth: _____ Sex: _____ Race: _____

THIS CAUSE comes before the Court on the Defendant/Petitioner's Petition to Expunge.
The Court being fully advised, **FINDS:**

1. The Defendant/Petitioner has complied with the provisions of 20 ILCS 2630/5.2.
2. The Defendant/Petitioner has never been convicted of a criminal offense, and there are no criminal charges pending against Defendant/Petitioner at the present time.
3. The Defendant/Petitioner was arrested by the Arresting Authority on the date and for the offense stated above, or if no arrest was made, Defendant/Petitioner was charged with the offense on the date stated above.
4. ☐ The Defendant/Petitioner was arrested and released without the filing of formal charges; OR
☐ The Defendant/Petitioner was charged, but was later acquitted or otherwise released without being convicted; OR
☐ The Defendant/Petitioner was convicted, but the conviction was later reversed or vacated; OR
☐ The Defendant/Petitioner was released without conviction following a sentence of court supervision, for the offense of:
☐ 625 ILCS 5/3-707 - Operating an Uninsured Motor Vehicle, or
☐ 625 ILCS 5/3-708 - Suspended Registration for Noninsurance, or
☐ 625 ILCS 5/3-710 - Displaying of False Insurance, or
☐ 625 ILCS 5/401.3 - Failure of Scrap Dealer to Keep Records, or
☐ 720 ILCS 5/12-3.2 - Domestic Battery, or
☐ 720 ILCS 5/12-15 - Criminal Sexual Abuse;
and it has been FIVE years since the successful discharge and dismissal from court supervision; OR

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- ☐ The Defendant/Petitioner was released without conviction following a sentence of court supervision for an offense which is not set forth above, and it has been TWO years since the successful discharge and dismissal from court supervision, OR
 - ☐ The Defendant/Petitioner was released without conviction following a sentence of probation under:
 - ☐ 720 ILCS 550/10 - Section 10 of the Cannabis Control Act, or
 - ☐ 720 ILCS 570/410 - Section 410 of the Illinois Controlled Substances Act, or
 - ☐ 720 ILCS 5/12-4.3 (if charged before January 1, 1996) - Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (Aggravated Battery of a Child, as those provision existed before their deletion by Public Act 89-313), or
 - ☐ 20 ILCS 301/40-10 - Section 40-10 of the Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, or
 - ☐ 20 ILCS 301/10-102 - Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (as those provisions existed before their deletion by Public Act 88-80) when the judgment of conviction has been vacated, or
 - ☐ Section 10 of the Steroid Control Act (repealed); or
 - ☐ 720 ILCS 646/70 - Section 70 of the Methamphetamine Control and Community Protection Act;and it has been FIVE years since the successful termination of probation.
5. In the case sought to be expunged, the Defendant/Petitioner was not granted court supervision for (1) driving under the influence; (2) reckless driving; or (3) any sexual offense committed against a minor under 18 years of age as a result of this arrest.
6. The Defendant/Petitioner has paid all costs and fees for the filing of this Petition, or has been granted a fee waiver by the Court.
7. The Circuit Clerk has served notice on the Arresting Authority, the Department of the State Police, the State's Attorney and the Chief Legal Officer of the unit of local government affecting the arrest and
- ☐ none of said agencies has filed an objection to the Petition to Expunge within 60 days from the date of service; OR
 - ☐ following the filing of an objection, this Court, having heard evidence in the matter, finds that the records should be expunged.

IT IS THEREFORE ORDERED as follows:

- A. That the Petition to Expunge the Defendant/Petitioner's arrest record is **GRANTED**, and that the official records be **EXPUNGED** as follows:
1. The Clerk of the Circuit Court **SHALL IMPOUND** all records of the Petitioner until further order of the court upon good cause shown and shall obliterate the Petitioner's name from the official index required to be kept by the Circuit Court Clerk under Section 16 of the Clerks of Courts Act.

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2. The Department of State Police **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest UNLESS the disposition is one enumerated in Paragraph B below.
 3. The Arresting Authority **SHALL EXPUNGE** all records of the Petitioner together with all photographs, fingerprints and other records of identification taken as a result of the arrest.
 4. That the Arresting Authority and the Illinois State Police shall request the return of any other law enforcement records relating to the incident set forth in the Petition which have been transferred to the Federal Bureau of Investigation or any other law enforcement agency as a result of said arrest, and **SHALL EXPUNGE OR IMPOUND** such records as required by this Order.
- B. That the Department of the State Police, however, shall not expunge but **SHALL IMPOUND** those records that result in a disposition of supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2 or 12-15, of the Criminal Code of 1961, or those records that result in a disposition of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (repealed), Section 10 of the Steroid Control Act (repealed), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act (repealed), and Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
- C. That any arrest records **IMPOUNDED** by the Department of the State Police may be disseminated only as required by law or to the Arresting Authority, the State's Attorney and the Court upon the Defendant/Petitioner's later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense.
- D. That in response to an inquiry for such records from anyone not authorized by law to access such records, the Arresting Authority, the Department of State Police and the Clerk of the Circuit Court receiving such inquiry shall reply as it does in response to inquiries when no records ever existed.

ENTERED: _____, 20____.

JUDGE